IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4435 of 1994

For Approval and Signature:

HON'BLE MR.JUSTICE D.N.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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BHANUSHANKER KANJIBHAI RAVAL

Versus

STATE OF GUJARAT

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Appearance:

1. Special Civil Application No. 4435 of 1994

MS TEJAL K SHAH FOR

MS SEJAL K MANDAVIA for Petitioner No. 1-3

MS ARCHANA RAVAL AGP for Respondent No. 1

RULE SERVED BY DS for Respondent No. 2-3

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CORAM : HON'BLE MR.JUSTICE D.N.PATEL

Date of decision: 30/04/2004

ORAL JUDGEMENT

1. The petitioners challenge under Article 226 of the Constitution of India, inaction on the part of the

respondents of not giving the land, in accordance with the notifications, dated 13th July, 1982 and 29th December, 1993.

2. It is contended by the learned advocate for the petitioners that the petitioners had applied for grant of the land referred in the notification Annexure-A and B. The petitioners are entitled to the land as per the policy of the State of Gujarat. It is further contended by the learned advocate for petitioners that till the date no decision is taken by the Government for grant of the land. It is also contended by the learned advocate for the petitioners that though there was direction given by this Court by the order dated 31st March, 1995, till the date no decision is taken by the concerned respondent authority. Neither the same is placed on record.

3. Despite of the aforesaid directions, no decision has been taken by the concerned respondent authority about grant of land to the petitioner. It is, therefore, directed that the concerned respondent authority shall take appropriate decision, within a period of four weeks, from the date of receipt of writ of this Court as to grant or refusal of the land to the petitioner looking to the nature of the application, qualification of the petitioners, the applications received from other applicants for grant of the same land and such other various factors as per the policy of the State of Gujarat, in accordance with law. Accordingly, this petition stands disposed of. Rule is discharged, with no order as to costs. Interim relief earlier granted by this Court, stands vacated.

(D.N. Patel, J.)

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